IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.4209 OF 2003
IN
CRIMINAL APPEAL NO.1198 OF 2003

State of Maharashtra .. Applicant

versus

Narayan Shankar Pable & ors. .. Respondents

...

Mr.B.H. Mehta, APP for the State.

Mr.Uday Warunjikar for the respondents.

CORAM : V.M. KANADE, J

DATED : 30th September 2004.

P.C:-

1. Heard the learned APP appearing on behalf of the State and the learned counsel for the respondent nos.2 and 3.

2. The learned counsel submitted that there was a delay of 80 days in filing the appeal. The delay has been caused for reasons stated in paragraph nos.2, 3 and 4 of the application. This is vehemently opposed by the learned counsel appearing on behalf of the respondent. It is submitted that reasons stated in

paragraph nos.2, 3 and 4 are very vague and sufficient cause have not been shown by the State for condonation of delay. He has submitted that a substantial right is created in the accused after the period of appeal as prescribed by the statute is over and therefore, the appellant is under a legal obligation to explain each and every days delay. He has submitted that this position is settled by catina of judgements of this Court as well as Apex Court.

3. In my view, the delay of 80 days has been sufficiently explained. It is stated in paragraph no.2 that application for certified copy was made on 19th March 2003 and thereafter, case papers were furnished to the Law & Judiciary Department, Mantralaya. A resolution was passed thereafter on 14th July 2003. Apart from that, it is also stated that there is shortage of Stenographers in the office of the Government Pleader and as a result, the appeal could not be immediately filed.

4. In my view, this is a sufficient cause shown by the State in filing the appeal. Delay is condoned.

Appeal to be heard on 7th October 2004.

V.M. KANADE, J